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# POLICY DIRECTIONS EMERGING FROM THE WORKSHOP ON CANADIAN CONTRIBUTIONS TO ENHANCED GLOBAL OPPORTUNITY FOR PERSONS WITH DISABILITIES

Canadian Centre On Disability Studies

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# Policy Directions Emerging From Workshop On Canadian Contributions To Enhanced Global Opportunity For Persons With Disabilities

Canadian Centre On Disability Studies

Submitted to the John Holmes Fund

March 13, 2002

"Canadian Contributions To Enhanced Global Opportunity for Persons with Disabilities" was facilitated by the Canadian Centre on Disability Studies (CCDS) and began in March, 2001 and concluded on June 24th, 2001 with a workshop on Canadian Foreign Policy and Disability, which was part of the Society for Disability Studies conference entitled "Democracy, Diversity and Disability" hosted by CCDS. This conference took place in Winnipeg from June 20th to 23rd, 2001. A report on the Canadian Foreign Policy Workshop was submitted to the John Holmes Fund in October, 2001. A summary of activities since the workshop was also provided in January, 2001.

A number of policy directions emerged from the workshop, which were not included in the previously submitted documents. These are set out here.

**Future Policy Directions:**

1. Models for policy formulation in the area of international development and disability should involve partners with a common mission who can utilize joint decision-making and open communication in their work. The integrity of the partners to be accountable to their own constituencies is extremely important. *Given that such conditions are in place, the support for a partnership approach to the pursuit of international disability issues is an important principle to be promoted in the future.*

2. In order to advance policy directions in the area of international development and disability, Canadian disability organizations require financial and political support to participate in policy formulation as equal citizens.

3. People with disabilities, academics, researchers, organizations, etc. must be aware of the economic forces that shape our lives and the effect of globalization on our local economies. Researchers have a role to play in providing people with disabilities and disability organizations with needed information to advocate for changes in the policies of international organizations and governments which will improve the lives of persons with disabilities around the world.

4. The Human Rights Commission of the United Nations adopted a resolution that United Nations agencies and governments reporting on developments in Human Rights Legislation must include disability in those reports. In addition to governments, organizations with disabilities could file parallel documents at the United Nations (similar to the women's movement) to present a more balanced portrayal of progress in Human Rights legislation and where changes need to take place.

5. Policies and programs in the area of disability which are formulated by international organizations should be based on human rights approaches and not solely on medical and rehabilitation paradigms.

6. Models developed through the independent living and community living movements, advocacy organizations of persons with disabilities and Disability Studies approaches are important vehicles for policy change within the international disability policy arena.

7. A human rights framework within the international disability arena should be promoted. This will require an understanding of disability rights, as well as appropriate training on the part of External Affairs staff.

8. The accessibility of embassies should be promoted and information provided on ways to achieve this goal.

9. Discussion of disability rights should be included in policy development sessions with lateral agencies and the United Nations.

10. Policy formulation within the international disability arena should include regular consultations with the disability community in Canada.

**Future Directions in Pursuing International Disability Issues**

**Aldred Neufeldt and Henry Enns**

***DRAFT JANUARY 23, 2002***

## Themes that Emerge from an Examination of Past Experiences

A number of themes emerge from the different chapters in the book, most of which can be inferred from the above summary. Perhaps the most noteworthy has been the importance of **collaborative partnerships**. The rapid growth of the disability movement in Canada and internationally was the result of such partnerships. Certainly the disability movement was the driving force in initiating the changes that occurred; but, for change to be effective in the long run it requires changes in political process, in policy and in the paradigm of thinking. Disabled peoples' organizations worked together with academics and people in government to accomplish the changes that occured. Certainly the rapid growth of Disabled Peoples' International can be attributed to the partnership between the disability community and governments. The Canadian government and later the Swedish government included a representative of the newly emerging disability rights movement in their delegations to the United Nations in planning the International Year of Disabled Persons 1981. This resulted in the new organization having influences as an official member of a government delegation rather than as a non-governmental organization. For partnerships to work effectively it is important to recognize the integrity of each partner. In meetings in Vienna by the Canadian delegation, careful strategies were being planned. It was understood and agreed upon that government representatives would have to take a different position than the representative of the disability movement. This clear understanding right from the beginning allowed the partners to work effectively with each other in influencing changes within the Advisory Committee to plan the International Year of Disabled Persons. This partnership created a synergy for revolutionary change that had long lasting impact through the United Nations World Programme of Action.

Another theme that emerges is **Canada's role as a "tipping agent"** internationally and foreign policy contributing to significant shifts in the development of disability issues. Canada's role internationally has been analyzed from a number of different perspectives. A recent article by Neufeldt and others have looked at Canada in the context of a tipping point. It analyzes the forces that lead to a "tipping point" that then creates long lasting change through the influence and intervention of government. Often the forces that lead to this change are driven by civil society. Much has been written about the role of Canada as a peacekeeper in international events. The concept of a third force balancing the impact of the superpowers has also been talked about a lot during the last several decades. Certainly Canada's Minister of External Affairs in the nineties, Lloyd Axworthy, talked a lot about Canada as playing a significant role within the context of this third force analogy, with perhaps the best example being Canada's role in achieving international acceptance for the agreement banning anti-

personnel landmines. In like manner the Canadian government played an important role in the disability movement. In the early nineteen eighties the influence of government created a tipping point working collaboratively with disability organizations contributed to a radical paradigm shift within the United Nations. Canada provided funding to promote the full participation of disabled people within the United Nations Decade of Disabled Persons 1983-1992. Canada also took the initiative and introduced a resolution to conduct an international study on the violation of the rights of disabled persons. Perhaps nowhere is the concept of a tipping point more dramatically seen as when Canada cast the deciding vote within the International Labour Organization to adopt a convention of rehabilitation and employment for persons with disabilities (1984). This happened during the committee meetings in preparing for the ILO General Assembly. Business was totally opposed to the idea of the convention. Labour was totally supportive. The government had the deciding vote to approve the convention to be recommended to the General Assembly. The vote within the government sector was extremely tight. Even though the Canadian delegation had received instructions not to support our concept of a convention, they changed their minds at the last minute and the idea of the convention passed. During the General Assembly it received unanimous approval.

A third theme is that the **disability movements as other social movements reflect the values of their countries of origin**. Certainly within Canada the respect for the rule of law, of a democratic process in decision making and the concept of the "just society" is in evidence both in Canadian-based organizations working abroad and in Canadians working within international organizations. Canadians also have a sense of caring for what happens to people in other countries as is evidenced by humanitarian assistance in many international disasters. The principle of participation has drawn the attention of many people at the United Nations to talk about the "Canadian model". They characterize this as the participation of citizens in government to develop policies and program direction. Certainly these values have had important impact in influencing the role that Canadians have played in international disability issues.

The values of participation and democratic decision-making also have been brought into international disability organizations by Canadians in leadership positions. These include Disabled Peoples' International, Inclusion International and others. Further, the more than one hundred years experience with forming and operating small and large disability related non-governmental organizations, amongst the most extensive in the world, contributed to development of a strong sense of those organizational values that are important to effectiveness. These too have been transmitted to international organizations.

A fourth theme is the **priority placed by Canada on multi-lateral policy** within the United Nations. Canada has always supported multi-lateral institutions and emphasized their importance. Together with this has been a policy on the **importance of the voluntary or non-governmental sector**. As a result of these policies, Canada has supported in a variety of ways the emergence of the disability movement within the United Nations. This approach was evident in developing the activities of the

International Year of Disabled Persons, the United Nations World Programme of Action, the United Nations Standard Rules for Equalization of Opportunities, and the introduction of the resolution to conduct an international study on the violation of the rights of disabled people. These are only a few examples.

A fifth theme is the **strong sense of mission** that can be identified in the international work of Canadians in leadership positions. This mission has often been driven by the desire to create change. In order to create change they have had to advocate for strategic changes such as at the United Nations and also within the Canadian government. The disability movement promoted the human rights framework within CIDA already back in early 1980's when the officials within CIDA clearly stated that human rights has nothing to do with development. Over the years considerable influence was brought about by the disability movement. Within international organizations Canadians have often modeled new and creative approaches, based on models developed within Canada. The idea of developing an international development program that would promote organizational development was initiated within the Canadian context and promoted through Disabled Peoples' International. The models of community participation, grassroots empowerment and human rights emerged in Canada out of a historic orientation towards rehabilitation and medical and charity models towards disability that institutionalized hundreds of thousands of people within Canada. The leaders have taken the new ideas developed within Canada as a reaction to the old paradigms and promoted them internationally.

A final trend of note is that those people from Canada who have played international leadership roles almost invariably came from **personal experiences of marginalization or oppression.** They typically came from regions of the country that were economically disadvantaged, or from minority or immigrant backgrounds. These experiences seemed to contribute to a style of leadership emphasizing participation, human rights, community, and democratic decision-making processes within to the international organizations.

**What Can Be Said to Have Been Achieved?**

No country alone can take credit for accomplishments in an environment as complex as that at the international level. It typically involves leadership on the part of a number of like-minded states working together in persuading others of the merits of a particular initiative or point of view. Within that context, there is fairly strong evidence for the following activities and accomplishments with which Canada was associated, as derived from various chapters in the book.

1. Championing the involvement of disabled people in significant decision-making on issues of immediate relevance to them. Though Canada wasn't alone in this (countries such as Algeria, the US, Sweden and Finland also had disabled people as part of their delegate bodies at various times), the Canadian delegate body

intentionally promoted a process whereby the role of consumer representative, bureaucrat and politician were distinguished and used to advantage to influence the development of disability friendly international initiatives such as the United Nation's *IYDP Plan of Action* and ensuring that disabled people were protected under the category of "other" within the *International Covenant of Human Rights* s).

2. Development of Disabled Peoples' International (DPI). There is good reason to doubt whether DPI would have developed into as a strong and credible an international voice of disabled people as it is if support from Canada had not been there. The Government of Canada along with a non-governmental international development organization, the Mennonite Central Committee, took a particular interest in providing support at critical times in DPI's early years. Funding was by no means easy to achieve, and frequently involved a significant struggle, but such support was there at the beginning and to varying degrees has been maintained over time. Other countries, notably Sweden and Finland, also have provided support at various times; but, Canadian support has been the most consistent.

3. A number of statements adopted by the UN and UN related bodies were initiated or strongly influenced as a result of the combined action of Canadian government activities working in collaboration with leaders of the disability movements. In addition to those already identified these included the *World Programme of Action* that formed the framework for the UN Decade of Disabled Persons and the International Labour Organization Convention of 1984.

4. There also were a number of initiatives promoting the rights of disabled people and the adoption of policies of inclusion within extra-UN international organizations within Canada's sphere of influence such as the (formerly British) Commonwealth of Nations and the Francophonie.

5. Organizations of disabled people in low and middle-income countries received support in an effort to promote the development of greater capacity as self-advocates within their own countries. Such support in part was provided through Canadian organizations of disabled people, which received project funding for such purposes, but also through "Mission Funds" available through Canadian Embassies for small project support. Both the initiatives by disability organizations and the nature of support by government have been quite unique. Having said this, there have been significant struggles for organizations of disabled people to obtain funding in support of international development work on a sustained basis, particularly in recent years.

6. A number of Universities and Colleges along with university-affiliated centres became involved in international CIDA funded projects, which were supportive of community inclusion. Again, funding for initiatives supporting the social inclusion of disabled people has not been easy to get, and many possibilities have been by-passed. Nevertheless, the fact that there have been some successes and that these are relatively unique on the world stage is worthy of note.

7. Efforts were made to have Canada-based international development organizations along with CIDA incorporate disability as a conscious part of their agenda. Though very mixed in success, there is evidence that a gradual shift has taken place in the nature of development projects related to disability - from predominantly medical rehabilitation and "sheltered workshop" in orientation towards a greater emphasis on community inclusion.

These and other activities reached their peak in the late 1980s. They ebbed in early 1990s as the attention of governments shifted to other agendas, particularly those of reducing public spending and promoting trade within the context of globalization. One couldn't say that disability has been totally lost in these changes as a number of disability related international development initiatives are ongoing, but its centrality as a focus of attention within the international agendas intentionally pursued by the Government of Canada certainly has been placed in doubt.

A number of tensions can be identified that are in evidence throughout the book. Probably first and foremost is the tension between non-governmental organizations and government. There appears to be considerable evidence in the documentation that change and innovative ideas tend to come from the non-governmental sector. Clearly governments have an important role in supporting and perpetuating this change by creating a legislative or contextual framework in which the change can gain credibility. Nevertheless the innovative and new ideas tend to come from non-governmental sector and very often from the fringe areas. This would argue that there is a value in acknowledging and supporting the innovation of the voluntary sector. Considerable work is being done at this time regarding supporting the role of the voluntary sector, its struggles and challenges within Canadian society at the present time. There appears to be substantial evidence in the book that government should welcome the initiative from the non-governmental sector rather than seeing it as a threat or discouraging lobbying efforts.

Another tension that surfaces throughout the book is the tension between the consumers or recipients of services and professionals. Consumer organizations often emerged out of dissatisfactions with the services and the role of professionals in those services. At times these two sectors have been in conflict with each other. This has on occasion been necessary in order to influence change. At other times however, the consumers and professionals working together have been a very powerful influence for motivating change. This is in particular evidenced more recently in the partnership between the disability community and the academic community that is creating a new model around promoting of disability studies both in Canada as well as internationally.

The tension between the medical model and social model of disability surfaces again and again in the different chapters. The medical focuses on the problems of the individual and a uni-disability approach, whereas the social model emphasizes the societal and attitudinal barriers faced by disabled people.

Closely linked is the tension between the rehabilitation and independent living paradigm. This tension has had great impact in the way disabled people have been treated in Canada and internationally as well as the allocation of resources and policy directions.

Tensions between the charity model and human rights approaches, and segregation versus integration surface throughout the book. Tensions between different development approaches. The traditional approach emphasizes that developing countries need to pass through similar stages of development as developed regions. In the area of disability this means going through a phase emphasizing on institutions approach and expanded professionalism before reaching equalization of opportunities and an effective involvement and full participation of disabled people. The new approach argues that the stages of development can be skipped over and new approaches introduced.

An important tension throughout the book is the extent to which disability organizations whose main mandate is to address disability issues in Canada become involved in international activities. There is a great benefit to work at both levels as has been demonstrated throughout the book. On the other hand this also provides considerable challenges in human resources and funding. To date no direct funding has been made available to work at both levels.

A final tension is that of the emerging influence of civil society and the United Nations or international governmental bodies. Clearly the role of the international civil society emerged as a very powerful third force during the latter part of the 21st century. This is in evidence during the UN Human Rights Conference, the conference on the environment in Rio, the Women's Conferences, during the discussion around the International Literacy Year and the Social Development Conference. Clearly in the beginning of the 21st century, international voluntary organizations are controlling a vast amount of resources and have a huge number of staff. This creates a solid basis for playing a significant third force in addition to international governmental bodies and the multi-national corporations. Some have even argued that without the civil society the other two bodies would be at great risk.

It would appear that some of the themes and trends that are emerging out of the book could be tied to some of the international trends that have emerged during the latter half of the 20th century. Certainly one of the defining characteristics of the 20th century appears to be change. Change appears to be the hallmark of the current political problem-solving frameworks nationally and internationally, the ever faster technological revolution and the new cultural and social patterns. The diagram provides an overview of what has and hasn't changed.

One of the most dramatic trends within the latter half of the twentieth century is that of political change. Initially the conflict within the super powers and then the end of the conflict witnessed an increasing rise in democratization and emerging trends in ethnic and cultural self-determination. These trends have often been as much a source

of conflict as a source of harmony. Governments are having increasing difficulty reconciling the tensions placed on them by competing groups and resolving the problems of a new, and substantially changed, world.

Together with this is the discussion of the changing role of the nation state. There has been increasing power and influence of the multinational corporations that have determined the political, social and economic patterns within many countries. This combined with the new technologies and the worldwide communication systems have left many countries feeling that they are no longer able to direct policies on their own nation.

The increasing role of the international non-governmental organization or civil society as a third force has received a lot of attention. Particularly at the international level where you have the United Nations representing the political sector with the multinationals representing the economic sector and the NGO=s are providing a significant third force in representing civil society. International non-governmental organizations have played an ever increasing role in many of the major international meetings such as the World Summit on the Environment in Rio, the Women=s Meetings in Beijing, the Population Conference in Egypt and the Social Summit. Some have even speculated that the United Nations would fold without the active participation of the non-governmental sector. Certainly in the landmines initiatives the NGO=s played a major force for change.

## Events in the Broader Context of What Happens in Disability Canada and International

The status of disabled people in Canada and internationally has changed over the years.

| What Has Changed | Hasn=t Changed | Emerging Opportunities and New Issues |
|---|---|---|

| | | |
|---|---|---|
| **Canada**<br>- rights framework adopted<br>- influence and recognition of disability movement<br>- new and kind of resources<br>- inclusion in society<br>- new policy and funding -DPPP - 1st time government funding advocacy organization as program<br>- disabled people are in leadership positions<br>- policies on accessibility and employment<br>- accessible transport | - struggle to implement H.R. framework<br>- government priorities on funding ebb and flow<br>- drop after Decade 1992<br>- institutional memory lost - need for ongoing advocacy and monitoring (government - NGO disability movement) disability organization<br>- political priority major problem<br>- struggle for appropriate (mechanism for policy consultation)<br>- ongoing struggle of disability movement to be effective | - technology (liberation or oppression)<br>- business opportunities<br>- issues of greater complexity emergence of eugenics movement in new form (Latimer case)<br>- Aids and other disease are causes pf disability<br>- bio technology<br>- more complex ethical issues as a result of medical treatment<br>- longevity<br>- new viruses<br>- new medication and side effects<br>- longer life but limited community support systems |
| **International**<br>- regional decades - Asia Pacific and Africa<br>- disability included<br>- number of countries in adopted comprehensive disability (rights) legislation (50)<br>- within UN Human Rights framework adopted for disabled people<br>- disabled people were able to make gains even beyond women=s movement (becoming part of UN Inter Agency meetings)<br>- Canadian Government played a major role in promoting disability issues during the Decade | - number of disabled increasing (Aids, War, military technology)<br>- CIDA has no policy on disability<br>- disabled still on low totem pole - poorest of poor<br>- UN agenda dropped after Decade 1983-1992<br>- Canadian government role decreased in priority after Decade | - environmental problems cause disability<br>- Aids and other causes of disability<br>- War/Conflict - landmines<br>- Global village opportunity to share new models<br>- information technology<br>- participatory research approaches |

The technological revolution that has taken place through fax, television, Internet

and a variety of other mechanisms has virtually changed the way communication is being conducted today. Without the impact of the technological revolution it can be questioned whether some of the international movements would have taken place particularly the development of a worldwide disability rights movement. The proliferation of new systems of communication have put focal groups of disabled people together and fostered the development of a truly international disability movement. At the same time, new assistive devices and technologies have enabled more severely disabled persons to participate and thus broaden the scope of communication. What must be remembered about these technologies, however, is that they contain within them the possibilities of either liberation or oppression depending on who controls them and has access to them.

The efforts of the international disability movement to communicate within itself and to the larger community has been made all the more important by the questions and problems raised by a host of new cultural and social values. The ongoing phenomena of increasing urbanization often has led to the breakup of smaller communities, established cultural patterns, and clearly defines social relationships. At the same time, novel new health issues such as Aids have appeared and changed the context of debate in some societies about disabilities. The implication of such trends are that social, cultural, and health issues are being worked out in an ongoing fashion. Disability groups and the disability movement are making a vital contribution to the debate around how to build community development and solidarity.

The latter half of the twentieth century has also been marked by wars and conflicts in many regions of the world. The fact that many of these have resulted in millions of people being permanently disabled has provided a new perspective to the discussions. International ethical issues around euthanasia and mercy killing have also had a tremendous impact on the lives of people with disabilities. At the same time they have provided an opportunity for disabled people to raise their voices.

Coinciding with a lot of these international trends has been the realization of the necessity for new frameworks for problem solving. While there has been the increased recognition of the importance of international standards and guidelines there has also been the recognition of the failure of global solutions. Increased democratization has demanded local decision-making and problem solving. Many problems of the twentieth century require local solutions. The phrase "think globally and act locally" has never been so important or true as it is today.

**Critical Analysis or Weaknesses that can be Identified**

A critical analysis of some of the themes and trends that emerge out of this book lead us to identify a number of weaknesses or areas of concern. It appears that within the Canadian context the early to mid-nineties can be perceived as a golden era. Clearly many new initiatives developed. A significant paradigm shift took place in which

disabled people accepted their responsibilities as citizens and influenced changes in government and approaches to disability services. Government provided substantial resources through the disabled persons participation program to recognize the important role of disability organizations in the voice of disabled people. As the UN Decade drew to a close, disability increasingly became of lesser importance, received lesser priority in government funding and policy direction within Canada. Rather than arguing their case for inclusion on a rights basis within Canadian society the disability movement began to look at strategic initiatives. The language changed from one of human rights and national standards to one of practical achievements and what was doable. This is also reflected in Canada's role internationally. Where Canada played a very active role within the United Nations in promoting disability issues in the nineties after the end of the Decade in 1992 there was very little evidence that Canada played any significant role till the end of the century. There is evidence at the present time, the beginning of the 21st century that this is beginning to change again. Canada has played a role in getting the World Bank to include disability issues and is becoming more active in other international initiatives again.

As has been pointed out in some of the previous analysis the human rights framework that Canada has developed around disability issues in Canada have had limited impact on Canadian foreign policy. Examples of this include strategies around supporting landmine survivors, where the focus became one of focusing on practical issues rather than broader human rights initiatives. While Canada has developed a framework for promoting human rights within CIDA, this has to date yet had very little impact on the issues of disabled people. In fact disabled people have not been included in any kind of significant way in CIDA's human rights strategies.

Another obvious weakness is that CIDA still does not have any strategic initiative for including disability issues. While CIDA has human rights strategies and poverty reduction strategies which all have great relevance for disabled people as has been identified over and over in this book, disabled people have not yet been systematically included in these overall strategies. CIDA to date does not have an overall policy to include disabled people as they do around women's issues. In contrast many other countries including the Scandinavian countries, the United States and even Britain have developed overall policies for including disability in their international aid policies or have begun to develop this strategy. Clearly this is one of the glaring weaknesses that still exist within Canada.

In Canada there have been clearly established policies and guidelines for universal design and accessibility of buildings, facilities and communications to include people with disabilities. This strategy to date has had very little impact on Canada's work internationally, either through funding initiatives or in situations such as making Canadian Embassies accessible or making information available in alternate media through Canadian Embassies about Canada.

In many other countries the donor agencies have seen the benefit of targeting funds for specific disability work internationally. In Sweden, SHEA has been

established, in Finland, FINNIDA and the Alliance in Norway. This has had some real benefit for disability organizations and particularly grassroots where disability rights organizations to play a more active role internationally. While the disability rights movement and the Council of Canadians with Disabilities has had a major impact in developing a worldwide disability rights movement and has provided leadership within that organization for over twenty years there is still no financial support that is available for them to play an active role internationally. In fact their funding for international projects has been very limited and virtually is non-existent at this time. This could have significant impact for a future role for Canada in international disability issues.

Another area of limitations is that Canada has not yet identified any significant resource base for Canadian disability organizations to bid on international contracts. Several countries like Britain and Australia have set aside a specific pot of money in which the voluntary sector and private sector organizations can bid on contracts within international bodies and other governmental RFP's utilizing some of the resources within their international aid body. This has led to them being able to play a very active role in many countries that have been much more difficult for the Canadian voluntary sector and specifically the disability organizations.

**Future Opportunities**

Based on the trends identified a number of future directions could be considered. The partnership model characterizing past initiatives seems to provide an effective model for pursuing future directions. Who the partners are, though, is an important issue. They can't be arbitrarily chosen or unduly influenced by particular governments or funders. The partnerships as described above were based on a common mission, a joint decision-making process and open communication between all partners. The integrity of the partners to be accountable to their own constituencies was extremely important. *Given that such conditions are in place, the support for a partnership approach to pursuit of international disability issues is an important principle to be promoted in the future.*

Another important issue is the financial and political support needed by disability organizations in Canada to pursue a role internationally. Canadian disability organizations, while interested in issues of colleagues in other countries, rarely are funded at a level where international work is feasible. Further, there always are domestic pressures, which raise the question whether international work should be a priority. There also is the legitimate question whether the best approach is for Canadian disability organizations should themselves work abroad, or whether the best approach would be to seek to influence those organizations with extensive international development experience to include disability within their mandates. Both approaches have merit, and there is an argument to be made that both need to be pursued. Whichever approach is adopted, the absence of financial and political support places severe constraints on all. In the mid-1980s a study of future options for Canadians was

undertaken by Human Resources Development Canada, and approaches in other countries were examined. International aid agencies in Britain, Australia and several other countries provided significant support for the voluntary sectors to bid on international contracts and to play an important role within UN systems. A similar approach has never been identified as a clear policy option within Canada. *Given the demonstration that Canadians have been able to make a tremendous impact internationally in the disability field, and continue to do so, it is important for Canadians in government to find ways to support disability organizations more directly in the future.*

A third issue to examine is the philosophical framework and paradigm that has been promoted by Canadians internationally. Our review of the past half-century gives strong evidence that the approaches that have had the greatest impact have been those which pursued the inclusion of disabled people as full citizens within their countries, modeling change which promoted human rights and empowerment and the building of grassroots initiatives. This has involved partnerships between advocacy groups along with a variety of others including universities and government. Where Canada has promoted traditional medical and rehabilitation approaches the impact has been more limited. Indeed, there are examples where millions of dollars have been spent on traditional medical and rehabilitation approaches with little apparent effect. There has also been some real struggle and limitation in recognizing the value of this direction as it has often come from marginalized groups that have had limited funding and resources. Within the Mines Action Initiative the disability initiative took on more of a traditional service orientation rather than a human rights approach. *The implication is that government policy and financial aid would do best if it recognized the importance of supporting the philosophical direction of engaging grassroots groups that has been developed by Canadians.*

A final area to examine is the influence of Canadians on modeling change. New models have been developed through the independent living movement, the community living movement, the advocacy organizations, new transformative education models as reflected in disability studies approaches and person-centered approaches in planning and providing supportive interventions. These have had to struggle to establish their credibility in the international arena whether within the United Nations, within Canadian funding strategies or within Canadian foreign policy. Nevertheless, *its these new models and creative approaches that have had the greatest impact and any future initiatives should seriously consider how to include the new and emerging innovations within the international policy directions of Canada.*

In conclusion, Canadians seem to have had a substantial impact on international disability issues during the last half of the twentieth century. This has been the result of clearly driven social movement that has created change and involved partnerships with government, academics and to some degree the private sector. There is much that can be learned from what has happened during these fifty years. The opportunities that lie in the future and any future directions should be based on learning from the initiatives that have already been developed. One can only guess what could happen if the future directions were based on an open policy to welcome the changes that have taken place

rather than to force the change makers to struggle for their own identity.

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# CANADIAN CONTRIBUTIONS TO ENHANCE GLOBAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

**Future Directions in Pursuing International Disability Issues**
**by**
**Dr. Aldred Neufeldt and Dr. Henry Enns**

**Less Than Equal: Disability and Canadian Foreign Policy**
**by**
**Dr. Deborah Stienstra**

**Report On Canadian Contributions to Enhance l**
**Global Opportunities for Persons with Disabilities**

Submitted to John Holmes Fund
Canadian Centre for Foreign Policy Development
125 Sussex Drive
Ottawa, Ontario, K1A 0G2

by Canadian Centre on Disability Studies, October, 2001

"Canadian Contributions To Enhanced Global Opportunity for Persons with Disabilities" was facilitated by the Canadian Centre on Disability Studies (CCDS) and began in March, 2001 and concluded on June 24th, 2001. As stated in the project proposal, this venture had several overall goals:

(1) To document the contributions of Canadians to disability issues within the context of Canadian foreign policy.

(2) To explore the further incorporation of disability in Canadian Foreign policy.

Project Activities:

Over the past year, representatives from disability organizations and independent researchers have been exploring the role of disability issues in Canadian foreign policy in order to expand the thinking in this area. While great progress is being made in these separate research endeavours, only by gathering the researchers to discuss one another's findings is it possible to produce a comprehensive analysis in the form of a best practices discussion, to build on the lessons learned and to determine the opportunities and strategies for Canada's future global disability initiatives.

The original plan called for the organization of a workshop/roundtable on foreign policy to be the culmination of this research. This event was to have been held in December, 2000 in Winnipeg, Manitoba in conjunction with an advisory committee meeting for a current CCDS project to produce a book on the history of the involvement of Canadian disability organizations in international work. Because notification that we were to receive our requested grant of $20,000 from the John Holmes Fund did not come until March 2001, our planned activities were altered.

Once we learned our request for support from the John Holmes Fund had been granted, we began to put plans in place for a workshop on past and future contributions of Canadians with disabilities to disability Foreign Policy. Given that CCDS had been asked to host a major conference on Democracy, Diversity and Disability Studies for the Society for Disability Studies (a United States based organization composed of academics and persons with disabilities which emerged in the 1960s to promote the social model of disability) in June of 2001 and because international participants would also be present, this provided an excellent opportunity to hold the session on Canadian

Foreign Policy.

The Democracy, Diversity and Disability Studies conference took place from June 21st to 23rd in Winnipeg, Manitoba. The Conference brought together leaders in the disability movement, academics and researchers. A number of major international organizations such as Disabled Peoples' International, Inclusion International and World Federation of the Deaf were able to present their issues in plenary sessions. In addition, many of the Canadian disability organizations such as the Council of Canadians with Disabilities, Association for Community Living, Canadian Association of Independent Living Centres and the Canadian Association of the Deaf participated in presentations. The interaction and discussion of issues proved to be very significant and will lead to further dialogue on the development of an international research network. This network will enable the fostering of collaborative partnership on research projects as well as scholarly discussion and exchange on disability research.

Of the three hundred and fifty registered participants, one quarter were from developing countries or former Soviet Union locales. The importance of their continued involvement in future discussions about disability studies was emphasized. The perspectives of individuals from developing countries were promoted in papers, panel presentations and plenaries, and these views added a new dimension of learning to the conference. Those from developing countries also emphasized the benefits to their countries and disability movements of a partnership approach between the disability grassroots movement and the academic sector.

Previous SDS conferences did not attract the level of participation from international participants that was evident at the 2001 event. Over 50 youth and students participated in the conference, some of whom received credit for their involvement through a course in the Faculty of Social Work at the University of Manitoba. A number of students also presented papers at the event.

In addition, there were significant contributions to the developing field of disability studies in Canada and abroad. On the last day, one of the panels examined the critical issues around emerging disability studies programs. At many universities, it appears disability studies is still linked to rehabilitation or professional training. The challenge is to make it truly interdisciplinary and move it away from a professional orientation.

The workshop on Canadian Foreign Policy took place on June 22nd. Two background papers (one entitled "Future Directions in Pursuing of International Disability Issues" and the other called "Canadian Foreign Policy and Disability Issues") were prepared and circulated ahead of time to enable attendees to more meaningfully participate in the discussions which followed the presentations. (see attached papers). In addition, the workshop offered the first opportunity for the researchers and selected participants from disability organizations, (including youth with disabilities), the academic and community sectors and government departments to critically examine the role of disability issues in foreign policy by taking stock of past developments in this area and formulating future directions for action, with a view to developing a policy paper based on current research and the shared knowledge of participants. This paper will be disseminated and be

incorporated into a book detailing the contributions of Canadians to international work in the area of disability which is being produced as a separate project. 25-30 people participated in the workshop.

"Future Directions in Pursuing International Disability Issues" by Aldred Neufeldt of the University of Calgary and Henry Enns of CCDS provided a context for the emergence of disability issues internationally and summarized the main activities and accomplishments of Canadian disability organizations with respect to international work. Following this, the authors analyze themes derived from the research data on the international book and conclude with some observations on the frameworks within which the themes may be interpreted followed by conclusions about implications for future priority and directions.

"Canadian Foreign Policy And Disability" by Deborah Stienstra provided a brief overview of the elements of Canadian Foreign Policy and outlined the "checkered career" of the involvement of people with disabilities and their organizations in the development of domestic and foreign policy relating to disability especially immigration policy and landmines. She then indicated that foreign policy which includes disability issues must be developed in an integrated manner.

The discussion which followed the presentations enabled participants to raise fruitful questions and stress the need for further dialogue on the role of Canadian disability organizations in the development of Canadian Foreign Policy. Key points were as follows:

1. People with disabilities, academics, researchers, organizations, etc. must be aware of the economic forces that shape our lives and the effect of globalization on our local economies. Researchers have a role to play in providing people with disabilities and disability organizations with needed information to advocate for changes in the policies of international organizations and governments which will improve the lives of persons with disabilities around the world.

2. The Human Rights Commission of the United Nations adopted a resolution that United Nations agencies and governments reporting on developments in Human Rights Legislation must include disability in those reports. In addition to governments, organizations with disabilities could file parallel documents at the United Nations (similar to the women's movement) to present a more balanced portrayal of progress in Human Rights legislation and where changes need to take place.

3. Policies and programs in the area of disability which are formulated by international organizations should be based on human rights approaches and not solely on medical and rehabilitation paradigms.

As alluded to earlier, the two presentations will become chapters of a book about Canadian international contributions related to disability and these, along with presentations from other conference sessions, will be disseminated widely through placement on the CCDS website.

Further dialogue is also planned with organizations like CIDA on the role of disability organizations

in the Foreign Policy arena and the inclusion of disability within the development of new strategies and funding initiatives for international work.

Project Outcomes:

This project has clear links with people with disabilities in the developing world and with the Canadian Centre for Policy Development's priorities in the areas of youth and foreign policy. The International Book (most particularly the final chapter) outlines the contributions people with disabilities have made in the area of foreign policy and sets future directions in this area. In addition, the workshop enabled participants to discuss past developments in the area of foreign policy and disabilities and to debate possible directions for development.

This venture will contribute to the Canadian Centre for Foreign Policy Development's ability to fulfil its priorities by developing new partnerships and strengthening the integration of people with disabilities (including youth) into society.

# Introduction

Representatives from disability organizations and independent researchers have been exploring the role of disability issues in Canadian foreign policy in order to expand the thinking in the area. The two papers are the result of the research and roundtable discussion that took place in June. Clearly Canadians have played a major role in contributing to international issues promoting the rights of disabled people. In 1980 a world wide disability rights movement Disabled Peoples' International emerged from the World Congress of Rehabilitation International held in Winnipeg, Canada. Canadians played a major leadership role in the organization and influencing United Nations policy concerning disability issues. Canadian International Development Agency (CIDA) funded the development of the grass roots movement as did development agencies like the Mennonite Central Committee.

A paradigm shift took place in the early 1980's that recognized disabled people as citizens with rights and not only clients of social services. While Canada has played a major role in developing and promoting the human rights framework it has not included it in its own foreign policy. This document provides an historical perspective of disability issues and an analysis how Canadian foreign policy dealt with disability.

The two papers have a slightly different focus. "Future Directions in Pursuing International Disability Issues" provides an historical perspective on disability issues in Canada and internationally. It analyzes some of the themes that emerge and makes some recommendations for future action. "Less Than Equal: Disability and Canadian Foreign Policy" provides a critical analysis of Canadian foreign policy and how it has or has not included disability issues.

The authors gratefully acknowledge contributions to these papers by: April D'Aubin, Normand Boucher, Patrick Fougerollas and P. Majeau, Julie Egers, Irene Feika, Yutta Fricke, Diane Richler, Deborah Stienstra, Linda White, Colleen Watters, and Joan Westland.

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**Dr. Aldred H. Neufeldt** is a Professor in Community Rehabilitation and Disability Studies, a cross-faculty program at the University of Calgary. Before joining the University in 1988 he held such previous positions as Director of Canada's National Institute on Mental Retardation (now, the Roeher Institute) and Director of Psychiatric Research in the Province of Saskatchewan as well as heading his own consulting company. Aldred has published widely with over 100 journal articles, book chapters and books. He has been active internationally for many years as a researcher, project leader and providing leadership in a variety of international organizations. He is the President of GLADNET (Global Applied Disability Network on Employment and Training), an organization initiated by the International Labour Organization five years ago. He also serves as Canadian Advisor to the Caribbean Association on Mental Retardation and Other Developmental Disabilities. His international development and research projects have involved him in 47 countries other than Canada, with the longest continuing projects in Gaza, Palestine and Russia. Contacts with Gaza began in 1982, with the most recent project completed in 1999, and involved a series of educational development projects to provide an infra-structure of personnel for community-based rehabilitation services for disabled people. The Russia projects began in 1997, and are projected to continue to at least 2004. These are focusing on development of capacity for community mental health rehabilitation services.

**Dr. Henry Enns** is presently the Executive Director of the Canadian Centre on Disability Studies. CCDS is a National non-profit organization dedicated to Research, nationally, and internationally. Previously, Dr. Enns was the President and Executive Director of Disabled Peoples' International (1980 - 1996). He also served as a consultant with the Mennonite Central Committee on international issues and was an advisor to Canadian delegations to the United Nations. In recognition of his work in Canada and internationally, Dr. Enns received honorary doctorate degrees from Queen's University, 1992 and University of Manitoba, 1994.

**Dr. Deborah Stienstra** is the Royal Bank Research Chair in Disability Studies and an Associate Professor of Politics at the University of Winnipeg. She is currently writing on the links between globalization and disability. Together with C.T. Sjolander and Heather Smith, she is co-editing a new significant collection entitled *Gendered Discourses, Gendered Practices: Feminists (Re)Write Canadian Foreign Policy*. She is also co-editing with A. Wight-Felske a history of disability advocacy in Canada. Her previously published work includes a book on women's movements and international organizations, articles and book chapters on gender and Canadian foreign policy, women's organizing and the Internet, gender and global restructuring, gender and global governance and teaching gender in International Relations.

# Future Directions in Pursuing International Disability Issues

Aldred Neufeldt & Henry Enns.

**Introduction**

This paper arises out of a study of Canada's role in pursuing international disability issues in the years after World War II, but with particular emphasis on the final quarter of the twentieth century. In this we have been joined by a number of colleagues who bring a wealth of experience in and a breadth of perspectives on international disability developments.[1]

We begin by providing a brief context in which the pursuit of disability issues internationally evolved, and a brief summary of main activities and accomplishments, we then proceed to an analysis of themes derived from the data, and conclude with some observations on the frameworks within which the themes may be interpreted followed by conclusions about implications for future priority and directions. The purpose of this paper is to set out for discussion some tentative conclusions about what might be learned from the various experiences as we have been able to document them.

The choice of WWII, as a point at which to begin our analysis, is partly a convenience, but also has sound rationales. Most major internationally agreed upon principles as they affect how we think about disability have emerged since then, influenced by a number of major and universal forces that emerged with increasing intensity during and after the war. Development of information technology generally, and the microchip in particular, has led to an information technology and communications revolution not seen since Guttenberg invented the printing press. It has profoundly changed how we think about time, distance and the meaning of accessibility. Breakthroughs in various fields of science, particularly in biochemical and physiological research, have led to research on the fundamental building blocks of life and contributed to better health and an aging population, but also to new ethical dilemmas for those concerned with disability. Increasing democratization of societies around the world almost invariably has been accompanied by emerging trends in ethnic and cultural self-determination, and by the growing importance of civil society organizations. Not the least amongst these, from our point of view, has been the emergence of strong and continuing disability self-advocacy organizations. Finally, the growth and widespread acceptance of the view that individuals have human and civil rights distinct from those of the state arguably has been the greatest force of all in the past fifty years. Aside from creating a context within which democratization could occur, and a climate where widespread use of information technologies could be used in creative ways, it eventually legitimized the view that disabled people can and should be fully included in all facets of social, economic and community life.

It is in this context that Canada, along with a few other "like minded states", took a leadership role on the international stage in promoting the rights of disabled people. This didn't

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[1]We gratefully acknowledge contributions, in part or whole ,to this paper by (in alphabetical order): April D'Aubin, CCD; Normand Boucher, Patrick Fougerollas and P. Majeau,Laval University; Julie Egers, University of Calgary; Irene Feika, DPI; Yutta Fricke, formerly of DPI, Winnipeg; Diane Richler, CACL; Deborah Stienstra, University of Winnipeg and CCDS; and, Linda White, Toronto. In addition, we gratefully acknowledge other members of our advisory committee (notably Colleen Watters and Joan Westland), and the many people we interviewed and/or who contributed vignettes and other materials for the paper, too many to name.

happen as a result of careful pre-planning, nor did it happen accidentally. It involved some combination of prior history and experience, skills in leadership, intentionality and being in the right place at the right time.

**A Brief History of the Rise of Disability as a Topic of Note**

The story of disability as a topic of note is one of the rise and ebb of the tides of consciousness on the part of the general public and of policy makers. In part it is a story of the rise of advocacy for and by disabled people on issues of concern to them, particularly as these contributed to inclusion in society. To a greater extent it is a story of much larger forces at work - sometimes within Canada, at other times in significant arenas elsewhere. Taken as a whole, the last half of the twentieth century can be said to be a story of the gradual convergence and continuity of interests on the part of disabled people and advocates, the general public and public policy makers in Canada. In turn, this set the stage for activity and leadership internationally.

One can't understand disability-related developments in Canada without some sense of developments elsewhere, particularly in the years following WWII. Canada's eyes typically turned south to learn from advances in rehabilitation medicine developed in response to the needs of returning war veterans. They turned to Europe to learn from advances in vocational rehabilitation and other programs, also driven in response to the need for "sheltered work" by disabled war veterans. The horrors of Naziism contributed to development and adoption by the United Nations of its *Universal Declaration of Human Rights* (1948). In turn, this reflected a growing readiness by disabled war veterans, survivors of polio, parents of children with developmental disabilities and others in western democratic countries to demand their own rights. Advances in science during and after the war along with growth in post-war domestic economies, particularly in the U.S., contributed to an optimism that problems such as polio, tuberculosis and psychiatric impairment too could be addressed. The March of Dimes campaign begun in the late 1930s in the US, and championed by Eleanor Roosevelt, came to Canada in 1950 and the idea that the contribution of "just one dime" could help find a prevention for polio became the model for fund raising, joining average citizens with researchers and advocates. When the polio vaccine was developed by Dr. Jonas Salk in 1953, optimism that other disability and social issues could be solved by science was reinforced in Canada as elsewhere.

The following gives a summary of a selected number of major developments within Canada and elsewhere as they seemed to have a bearing on our role internationally. First to be developed were several organizations which arose out of an earlier wave of optimism, in the late 19th and early 20th century, when extensive effort was given to pursuing better ways to "treat and cure" disability. Those concerned with blindness, mental health and "crippled children" (later identified with Easter Seal campaigns) had their beginnings early in the century. Virtually all other disability emphases had their beginnings during or shortly after WWII. The anti-polio campaign (and the March of Dimes) began just before the war, but became intensified after. Returning disabled war veterans, both in the US and Canada, were determined not to be set aside as had largely happened after WWI, and in Canada began the Canadian Paraplegic Association in 1945. The groups concerned with physical impairment came together as the Canadian Rehabilitation Council for the Disabled (CRCD) in 1962.

Concern with cognitive impairment, too, was heightened after the war. Aided by a number of widely publicized exposés of the terrible conditions in large "mental hospitals" in the US, and the war-time experience in Britain where residents of similar institutions had become part of the labour

force, the stage was set for development of early community mental health initiatives in several states of the US and the Province of Saskatchewan. Though disabled people and/or family members were involved in all of the foregoing developments, leadership often came from concerned professionals. That was less the case for intellectual impairment which had largely been ignored. Emboldened by a conviction of injustice, and that their rights as citizens were not recognized, the first large grassroots disability advocacy organization emerged led by parents of children with intellectual impairments. These began in the late 1940s in both Canada and the US and were well established a decade later.

Canadian public policy, too, began to evolve. In particular, innovations in the Province of Saskatchewan from 1948 to the early1960s such as universal access to hospitalization and medical care, and community based approaches to rehabilitation and mental health services gradually became adopted as part of the Canadian framework. As well, there was a growing acceptance and support at the federal government level of legislative provisions that were framed within a human justice and rights perspective, culminating in adoption of the*Canadian Charter of Rights and Freedoms* in 1982 as part of Canada's Constitution. Particularly notable is that the*Charter* represents the first time in any country where disability is explicitly recognized as prohibited from discrimination within the highest law of the land.

These and other developments set the stage for significant international initiatives in the 1970s, '80s and '90s. By the late 1960s Canadians concerned with disability no longer looked reflexively to the US or Europe for answers to Canadian issues. Whether in mental health, the developmental disabilities or health care and medical rehabilitation, there was a strong sense of a "Canadian way" of doing things based on innovations developed in this country. These developments emerged in a context where, during the same time, Canada had established itself on a much broader basis as an effective middle power on the world stage by championing UN Peace Keeping Forces and in other ways.

Perhaps the most notable development during the 1970s was the strong emergence of consumer advocacy organizations generally, and of disability self-advocacy organizations in particular. Already in 1973 Canada's government of the day as represented by Marc Lalonde, Minister of National Health and Welfare, advised the CRCD that support for future disability policy would only evolve if disabled people themselves were at the table along with representatives of professionally based organizations and government. Though the story is too complex to be told here, this general view was transformed into concrete action in 1980 when the Parliamentary Committee on the International Year of Disabled Persons (IYDP) gave greatest priority to the views of disabled people themselves in preparing its*Obstacles Report*. This Committee adopted as a given that the best source of information about the state of supports and services would be disabled people themselves, and that these should be presented in pictorial and story form along with statistical information and recommendations - a significant break from earlier patterns where professionals had been the primary sources, and reports were long on analysis and short on personal interest.

The reasons for setting up the IYDP Parliamentary Committee in the first place were rather pedestrian, having more to do with domestic political considerations than any broader aspiration. But, when events unfolded as they did at the 1980 Winnipeg Rehabilitation International (RI) Congress, and given the experience of the Committee, there was a readiness to take the story of a Canadian approach to the world. Following on the RI Congress in 1980, and for more than a decade thereafter, Canada played a proactive role in promoting the rights and inclusion of disabled people in a variety of arenas not the least of these being the creation of a disability rights movement

"Disabled Peoples International", 1980 in which representation of the Council of Canadians with Disabilities played a major role. The fact that this continued focus survived three changes in government at the federal level says something about its salience and staying power.

**What Can be Said to Have been Achieved?**

No country alone can take credit for accomplishments in an environment as complex as that at the international level. It typically involves leadership on the part of a number of like-minded states working together in persuading others of the merits of a particular initiative or point of view. Within that context, there is fairly strong evidence for the following activities and accomplishments with which Canada was associated, as derived from various chapters in the book.

1. Championing the involvement of disabled people in significant decision-making on issues of immediate relevance to them. Though Canada wasn't alone in this (countries such as Algeria, the US, Sweden and Finland also had disabled people as part of their delegate bodies at various times), the Canadian delegate body intentionally promoted a process whereby the role of consumer representative, bureaucrat and politician were distinguished and used to advantage to influence the development of disability friendly international initiatives such as the United Nation's *IYDP Plan of Action* and ensuring that disabled people were protected under the category of "other" within the *International Covenant of Human Rights*).

2. Development of Disabled Peoples' International (DPI). There is good reason to doubt whether DPI would have developed into as a strong and credible an international voice of disabled people as it is if support from Canada had not been there. The Government of Canada along with a non-governmental international development organization, the Mennonite Central Committee, took a particular interest in providing support at critical times in DPI's early years. Funding was by no means easy to achieve, and frequently involved a significant struggle, but such support was there at the beginning and to varying degrees has been maintained over time. Other countries, notably Sweden and Finland, also have provided support at various times; but, Canadian support has been the most consistent.

3. A number of statements adopted by the UN and UN related bodies were initiated or strongly influenced as a result of the combined action of Canadian government activities working in collaboration with leaders of the disability movements. In addition to those already identified these included the *World Programme of Action* that formed the framework for the UN Decade of Disabled Persons and the International Labour Organization Convention of 1984.

4. There also were a number of initiatives promoting the rights of disabled people and the adoption of policies of inclusion within extra-UN international organizations within Canada's sphere of influence such as the (formerly British) Commonwealth of Nations, 1991 and the Francophonie, 1993.

5. Organizations of disabled people in low and middle income countries received support in an effort to promote the development of greater capacity as self-

advocates within their own countries. Such support in part was provided through Canadian organizations of disabled people which received project funding for such purposes, but also through "Mission Funds" available through Canadian Embassies for small project support. Both the initiatives by disability organizations and the nature of support by government have been quite unique. Having said this, there have been significant struggles for organizations of disabled people to obtain funding in support of international development work on a sustained basis, particularly in recent years.

6. A number of Universities and Colleges along with university affiliated centres became involved in international CIDA funded projects which were supportive of community inclusion. Again, funding for initiatives supporting the social inclusion of disabled people has not been easy to get, and many possibilities have been by-passed. Never-the-less, the fact that there have been some successes and that these are relatively unique on the world stage is worthy of note.

7. Efforts were made to have Canada-based international development organizations along with CIDA incorporate disability as a conscious part of their agenda. Though very mixed in success, there is evidence that a gradual shift has taken place in the nature of development projects related to disability - from predominantly medical rehabilitation and "sheltered workshop" in orientation towards a greater emphasis on community inclusion.

These and other activities reached their peak in the late 1980s. They ebbed in early 1990s as the attention of governments shifted to other agendas, particularly those of reducing public spending and promoting trade within the context of globalization. One couldn't say that disability has been totally lost in these changes as a number of disability related international development initiatives are ongoing, but its centrality as a focus of attention within the international agendas intentionally pursued by the Government of Canada certainly has been placed in doubt.

**Themes that Emerge from an Examination of Past Experiences**

A number of themes emerge, most of which can be inferred from the above summary. Perhaps the most noteworthy has been the importance of **collaborative partnerships**. The rapid growth of the disability movement in Canada and internationally was the result of such partnerships. Certainly the disability movement was the driving force in initiating the changes that occurred; but, for change to be effective in the long run it requires changes in political process, in policy and in the paradigm of thinking. Disabled peoples' organizations worked together with academics and people in government to accomplish the changes that occured. Certainly the rapid growth of Disabled Peoples' International can be attributed to the partnership between the disability community and governments. The Canadian government and later the Swedish government included a representative of the newly emerging disability rights movement in their delegations to the United Nations in planning the International Year of Disabled Persons 1981. This resulted in the new organization having influences as an official member of a government delegation rather than as a non-governmental organization. For partnerships to work effectively it is important to recognize the integrity of each partner. In meetings in Vienna by the Canadian delegation, careful strategies were being planned. It was understood and agreed upon that government representatives would have to take a different position than the representative of the disability movement. This clear understanding right from the beginning allowed the partners to work effectively with each other in influencing changes within the Advisory Committee to plan the International Year of Disabled Persons. This partnership created a synergy for revolutionary change that had long lasting impact through the United Nations World Programme of Action.

Another theme that emerges is **Canada's role as a "tipping agent"** internationally and foreign policy contributing to significant shifts in the development of disability issues. Canada's role internationally has been analyzed from a number of different perspectives. A recent article by Neufeldt and others have looked at Canada in the context of a tipping point. It analyzes the forces that lead to a "tipping point" that then creates long lasting change through the influence and intervention of government. Often the forces that lead to this change are driven by civil society. Much has been written about the role of Canada as a peacekeeper in international events. The concept of a third force balancing the impact of the superpowers has also been talked about a lot during the last several decades. Certainly Canada's Minister of External Affairs in the nineties, Lloyd Axworthy, talked a lot about Canada as playing a significant role within the context of this third force analogy, with perhaps the best example being Canada's role in achieving international acceptance for the agreement banning anti-personnel landmines. In like manner the Canadian government played an important role in the disability movement. In the early nineteen eighties the influence of government created a tipping point working collaboratively with disability organizations contributed to a radical paradigm shift within the United Nations. Canada provided funding to promote the full participation of disabled people within the United Nations Decade of Disabled Persons 1983-1992. Canada also took the initiative and introduced a resolution to conduct an international study on the violation of the rights of disabled persons. Perhaps nowhere is the concept of a tipping point more dramatically seen as when Canada cast the deciding vote within the International Labour Organization to adopt a convention of rehabilitation and employment for persons with disabilities (1984). This happened during the committee meetings in preparing for the ILO General Assembly. Business was totally opposed to the idea of the convention. Labour was totally supportive. The government had the deciding vote to approve the convention to be recommended to the General Assembly. The vote within the government sector was extremely tight. Even though the Canadian delegation had received instructions not to support our concept of a convention, they changed their minds at the last minute and the idea of the convention passed. During the General Assembly it received unanimous approval.

A third theme is that the **disability movements as other social movements reflect the values of their countries of origin**. Certainly within Canada the respect for the rule of law, of a democratic process in decision making and the concept of the "just society" is in evidence both in Canadian-based organizations working abroad and in Canadians working within international organizations. Canadians also have a sense of caring for what happens to people in other countries as is evidenced by humanitarian assistance in many international disasters. The principle of participation has drawn the attention of many people at the United Nations to talk about the "Canadian model". They characterize this as the participation of citizens in government to develop policies and program direction. Certainly these values have had important impact in influencing the role that Canadians have played in international disability issues...

The values of participation and democratic decision-making also have been brought into international disability organizations by Canadians in leadership positions. These include Disabled Peoples' International, Inclusion International and others. Further, the more than one hundred years experience with forming and operating small and large disability related non-governmental organizations, amongst the most extensive in the world, contributed to development of a strong sense of those organizational values that are important to effectiveness. These too have been transmitted to international organizations.

A fourth theme is the **priority placed by Canada on multi-lateral policy** within the United Nations. Canada has always supported multi-lateral institutions and emphasized their importance. Together with this has been a policy on the **importance of the voluntary or non-governmental sector**. As a result of these policies, Canada has supported in a variety of ways the emergence of the disability movement within the United Nations. This approach was evident in developing the activities of the International Year of Disabled Persons, the United Nations World Programme of Action, the United Nations Standard Rules for Equalization of Opportunities, and the introduction of the resolution to conduct an international study on the violation of the rights of disabled people. These are only a few examples.

A fifth theme is the **strong sense of mission** that can be identified in the international work of Canadians in leadership positions. This mission has often been driven by the desire to create change. In order to create change they have had to advocate for strategic changes such as at the United Nations and also within the Canadian government. The disability movement promoted the human rights framework within CIDA already back in early 1980's when the officials within CIDA clearly stated that human rights has nothing to do with development. Over the years considerable influence was brought about by the disability movement. Within international organizations Canadians have often modeled new and creative approaches, based on models developed within Canada. The idea of developing an international development program that would promote organizational development was initiated within the Canadian context and promoted through Disabled Peoples' International. The models of community participation, grassroots empowerment and human rights emerged in Canada out of a historic orientation towards rehabilitation and medical and charity models towards disability that institutionalized hundreds of thousands of people within Canada. The leaders have taken the new ideas developed within Canada as a reaction to the old paradigms and promoted them internationally.

A final trend of note is that those people from Canada who have played international leadership roles almost invariably came from **personal experiences of marginalization or oppression.** They typically came from regions of the country that were economically disadvantaged, or from minority or immigrant backgrounds. These experiences seemed to contribute to a style of leadership emphasizing participation, human rights, community, and democratic decision-making processes within to the international organizations.

**Future Opportunities**

Based on the trends identified a number of future directions could be considered. The partnership model characterizing past initiatives seems to provide an effective model for pursuing future directions. Who the partners are, though, is an important issue. They can't be arbitrarily chosen or unduly influenced by particular governments or funders. The partnerships as described above were based on a common mission, a joint decision-making process and open communication between all partners. The integrity of the partners to be accountable to their own constituencies was extremely important. *Given that such conditions are in place, the support for a partnership approach to pursuit of international disability issues is an important principle to be promoted in the future.*

Another important issue is the financial and political support needed by disability organizations in Canada to pursue a role internationally. Canadian disability organizations, while interested in issues of colleagues in other countries, rarely are funded at a level where international work is feasible. Further, there always are domestic pressures which raise the question whether international work should be a priority. There also is the legitimate question whether the best approach is for Canadian disability organizations should themselves work abroad, or whether the best approach would be to seek to influence those organizations with extensive international development experience to include disability within their mandates. Both approaches have merit, and there is an argument to be made that both need to be pursued. Whichever approach is adopted, the absence of financial and political support places severe constraints on all. In the mid-1980s a study of future options for Canadians was undertaken by Human Resources Development Canada, and approaches in other countries were examined. International aid agencies in Britain, Australia and several other countries provided significant support for the voluntary sectors to bid on international contracts and to play an important role within UN systems. A similar approach has never been identified as a clear policy option within Canada. *Given the demonstration that Canadians have been able to make a tremendous impact internationally in the disability field, and continue to do so, it is important for Canadians in government to find ways to support disability organizations more directly in the future.*

A third issue to examine is the philosophical framework and paradigm that has been promoted by Canadians internationally. Our review of the past half-century gives strong evidence that the approaches that have had the greatest impact have been those which pursued the inclusion of disabled people as full citizens within their countries, modeling change which promoted human rights and empowerment and the building of grassroots initiatives. This has involved partnerships between advocacy groups along with a variety of others including universities and government. Where Canada has promoted traditional medical and rehabilitation approaches the impact has been more limited. Indeed, there are examples where millions of dollars have been spent on traditional medical and rehabilitation approaches with little apparent effect. There has also been some real struggle and limitation in recognizing the value of this direction as it has often come from marginalized groups that have had limited funding and resources. Within the Mines Action Initiative the disability initiative took on more of a traditional service orientation rather than a human rights approach. *The implication is that government policy and financial aid would do best if it recognized the importance of supporting the philosophical direction of engaging grassroots groups that has been developed by Canadians.*

A final area to examine is the influence of Canadians on modeling change. New models have been developed through the independent living movement, the community living movement, the advocacy organizations, new transformative education models as reflected in disability studies

approaches and person-centred approaches in planning and providing supportive interventions. These have had to struggle to establish their credibility in the international arena whether within the United Nations, within Canadian funding strategies or within Canadian foreign policy. Nevertheless, *its these new models and creative approaches that have had the greatest impact and any future initiatives should seriously consider how to include the new and emerging innovations within the international policy directions of Canada.*

In conclusion, Canadians seem to have had a substantial impact on international disability issues during the last half of the twentieth century. This has been the result of clearly driven social movement that has created change and involved partnerships with government, academics and to some degree the private sector. There is much that can be learned from what has happened during these fifty years. The opportunities that lie in the future and any future directions should be based on learning from the initiatives that have already been developed. One can only guess what could happen if the future directions were based on an open policy to welcome the changes that have taken place rather than to force the change makers to struggle for their own identity.

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# Less than Equal: Disability and Canadian Foreign Policy

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> "Canada enjoys many blessings as a nation. We are rich in resources — both natural and human. A critical goal in Canada is ensuring that all Canadians get to share in what Canada has to offer and that they can contribute to making Canada even stronger. We believe that we simply cannot afford to exclude Canadians with disabilities from our social and economic development. We would short change them and, just as important, we would short change our society and its future economic prosperity and quality of life." Prime Minister Jean Chrétien, March 2, 1998, accepting the Franklin Delano Roosevelt International Disability Award

> "Foreign Affairs and International Trade is working to integrate disability issues into Canada's international human rights and social policy agendas." (Canada 1999)

Canadian foreign policy related to disability has had a checkered past. In the 1980s and 1990s, especially during the International Year of Disabled Persons and the following Decade of Disabled Persons, Canada played a pivotal role in framing some of the key United Nations documents on disability. Perhaps in recognition of this leadership role, Canada was awarded the Franklin Delano Roosevelt International Disability Award in 1998. Yet following the Decade for Disabled Persons, this leadership was noticeably absent. This chapter will explore the shifts in Canadian foreign policy in relation to disability as illustrated in two key areas: landmines and immigration. I argue that Canada has failed to take seriously its commitment to integrate disability issues into its foreign policy agenda in recent years because of how it understands both disability and Canadian foreign policy. Disability is largely isolated in the human rights area of foreign policy, separate from, and unable to affect, other areas of foreign policy such as human security. Canadian foreign policy has been understood in part as apart from domestic policies,

such as in the case of immigration, creating a foreign policy which excludes on the basis of disability. As a result, Canadian foreign policy is unable to address disability effectively.

## The context of Canadian foreign policy

Foreign policy refers in general to what governments do, their actions and their policies, towards other countries or international organizations like the United Nations (Nossal 1997). Foreign policy most often includes policies related to war and peace, economic or trade practices and development assistance. Governments can conduct their foreign policy with another country or in the context of multilateral organizations like the United Nations, the World Trade Organization or the World Bank.

A key component of Canadian foreign policy has been internationalism, that is, working with others in the context of broader international goals or organizations.[1] "Internationalism is, at bottom, directed toward creating, maintaining and managing community at a global level" (Nossal 1998-9, 99). Governments work to create common frameworks or sets of rules to guide international actions. In this setting, Canada often takes on the role of mediator, 'tipping agent' (as the editors of this volume suggest), or what others have termed being a good international citizen. Who is part of a global community has broadened in the Canadian perspective to include states, businesses, non-governmental organizations, and individuals.

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[1]Internationalism has been debated in discussions of Canadian foreign policy. Some argue we are seeing the decline in internationalism (Nossal 1998-9 ; 1997), while others suggest that Canada has practised selective or limited internationalism (Neufeld 1995; Rioux and Hay 1998-9). Smith (forthcoming) suggests that our definitions of internationalism are exclusive, built on keeping some inside and others outside.

The Canadian government has focussed its attention in building a global community to several areas of particular concern -- human rights, human security and trade. Human rights has been a classic area of concern in Canadian foreign policy. As other authors in this volume illustrate, Canadians have been long involved in drafting and upholding key international human rights standards including the Universal Declaration on Human Rights. In 2000, the Canadian government took the initiative to go beyond its traditional foreign policy areas by introducing the concept of human security.

> Human security places a focus on the security of people. This constitutes a major and necessary shift in international relations and world affairs, which have long placed predominant emphasis on the security of the state. By broadening the focus to include the security of people, human security encompasses a spectrum of approaches to the problem of violent conflict, from preventive initiatives and people-centred conflict resolution and peacebuilding activities to - in extreme cases, where other efforts have failed - intervention to protect populations at great risk (DFAIT 2000a).

Trade has been equally, if not more, important in Canadian foreign policy. In the most recent Trade Update, the Minister responsible for International Trade notes "In addition to providing better jobs and more opportunities for Canadians, trade finances the social security system which Canadians cherish and which reflects our values of fairness, inclusion and equality"(DFAIT 2001a). Canada is negotiating a Free Trade Agreement of the Americas, responding to the rules governing international trade through the World Trade Organization, and managing trade relationships with specific countries. Trade is often described as the engine that drives economic growth in Canada.

These three areas define the face Canada shows to the rest of the world. Yet this face is not without its contradictions. For example, when negotiating trade agreements, Canada has had to tread warily as a result of its existing human rights commitments. Some have argued (Day forthcoming) that Canada has failed to take into account these human rights obligations when confronting trade negotiations. Others have questioned if Canada needs to use the human rights records of other countries to measure whether or not to engage in trade with them. Tensions between domestic and foreign policies are often at the root of these contradictions.

Human rights has been the primary area where the Canadian government has addressed disability, although the other priority areas give some indication of how disability is dealt with more broadly in Canadian foreign policy.

## Canadian foreign policy and disability

The federal government's disability agenda, outlined in *Future Directions* (Canada 1999) and quoted above, squarely places disability within its human rights foreign policy. This is consistent with how it has historically worked on disability issues within Canada and the international community, and how others have suggested it pursue foreign policy.

As early as the International Year of Disabled Persons in 1981, the Canadian government's position was that disability should be one of the human rights protected. In the development of the World Programme for Action, a Canadian diplomat, James Crowe, and Henry Enns, a non-governmental member of the Canadian delegation, drafted the sections which ensured that disability would be dealt with from a human rights perspective (see chapter by Neufeldt and Egers for an extended discussion of this process). The priority given to disability

within a human rights framework was part of the Canadian position taken during the development of the Standard Rules for the Equalization of Opportunities for Persons with Disabilities drafted in 1993 at the end of the Decade for Disabled Persons.

The Canadian government continued to locate disability within human rights in its negotiations at the Beijing Women's Conference in 1995, the Habitat Conference in 1996 (DFAIT 1999) and in several of the five year follow-up conferences in the late 1990s. These included the Human Rights +5 conference (Hynes 1999; Axworthy 1998), and the Population and Development +5 conference (DFAIT 2001b). Ironically, at the Social Summit in 1995, and its follow-up +5 conference (both of which dealt with social policies where disability is often located), Canadian delegates did very little to promote disability rights.

Canadian delegates have been very involved as well in the negotiations leading towards the Organization of American States' Convention on the Elimination of All Forms of Discrimination Against Persons with Disabilities adopted in 1999. Unfortunately, this work has failed yet to be translated into a signature or ratification of this treaty by Canada.

In a policy paper prepared by the Canadian Association for Community Living (CACL) for the Canadian Centre for Foreign Policy Development, the authors argue that the federal government should establish a framework and build a capacity for the inclusion of disability in foreign policy. They suggest that such a framework use the inclusion of disability as a basis for human rights in the Canadian Charter of Rights and Freedoms and should be extended to the foreign policy arena. In addition, they outline two purposes of a disability human rights strategy.

First, an effort to coordinate Canadian efforts on the issue of disability would take advantage of Canada's reputation as a leader on the issue and would advance the situation

> of people who have a disability internationally....Second, a coordinated approach...would leverage opportunities to promote Canada's broader human rights agenda. It provides a vehicle to advance Canadian efforts to engage civil society and promote democratic participation (CACL 1998, 3).

In response to at least one of the suggestions of the CACL paper, the Department of Foreign Affairs and International Trade (DFAIT) initiated a "Reference Group on International Disability and Human Rights Issues". Its terms of reference were developed in 2000, but the Reference Group has yet to meet.

Despite the laudable commitments made by DFAIT and the suggestions for a coordinated foreign policy strategy on disability by the CACL, there is little evidence that disability as a human rights issue has become prominent within Canadian foreign policy. It is difficult to find policy statements made by the Canadian government that recognize disability at all, whether or not within a human rights framework. One policy area that has addressed disability is landmines. The Canadian approach, however, fails to address disability within the context of landmines from a human rights perspective.

## Landmines and disabilities

The Ottawa Process in 1996 and 1997, leading to signing and ratification of the Convention on the Prohibition of the Use, Stockpiling and Transfer of Anti-Personnel Mines and on their Destruction, is seen by some as a prime example of Canada's commitment to internationalism. Former Foreign Affairs Minister Lloyd Axworthy suggests the landmines process was one of community-building among like-minded states. The Ottawa Process "was

carried forward by a coalition of the willing seeking a solution to an international humanitarian crisis that ignored national boundaries" (Axworthy and Taylor 1998, 193). Yet Canada's response to those who have become disabled as a result of landmines illustrates a much less positive picture of Canada's internationalism. It is a picture of practices which enhance dependency rather than autonomy, and identify victims instead of independent rights-bearing human beings.

In many ways the landmines process was one that emphasized Canada's ability to put a human face on foreign policy. Security was not simply about states fighting war, it was about the protection of those who suffered the long-lasting effects of war. Canada's strategy was to feature landmine victims in their policy speeches to attract more countries to sign the treaty. "The forces who favored a landmine ban used landmine victims as the priming tool with the assumption that the frequency, prominence or feature of the international community's humanitarian impulse would lead to increased international attention to this issue" (Rutherford 2000: 92). Larrinaga and Turenne Sjolander suggest that by highlighting the effects of landmines particularly on women and children, who are not the primary victims of landmines, the Ottawa Process supports a very traditional role for governments as protectors of those who are vulnerable, passive and dependent (1998, 376-7). Their argument holds even more true when we consider Canada's response to people with disabilities.

Once the landmine Convention had been signed, the Canadian government announced a five-year $100 million Canadian Landmine fund. Its objectives included providing assistance to landmine victims (described as survivors in more recent documents). From the description of

projects funded through this fund, we can identify some of key ways in which people with disabilities are addressed.

The Canadian commitment to assisting landmine survivors is one based primarily on the idea that victims will require rehabilitation to be productive members of society. It is an understanding of disability that focuses on the impairment or injury of an individual, rather than on society's ability to respond to the barriers that limit the person's abilities to claim their human rights. While the discussion of victim assistance is fairly broad in the reports on Canadian assistance related to landmines, its implementation is much more narrow and individualized. The Canadian Landmine Fund report notes that "It is now understood that victim assistance includes a broad continuum of care involving pre-hospital care, hospital care, physical and psychological rehabilitation, social and economic reintegration, disability policy and practice, and health and social welfare data collection and research". While this is a fairly broad mandate, the projects funded illustrate a more narrow focus on fixing or rehabilitating the individual's health concerns. In its over $17 million budget for 1999-2000, approximately 12% was spent on victim assistance, specifically defined as "investments in providing services to victims of mine incidents, including medical services; prosthetics, orthotics and other aids; and physical, vocational, social and psychological rehabilitation" (DFAIT 2000b, 45). In addition, those projects funded and the groups which receive funding are in large part rehabilitation projects. Much of the money was given to ground like the Queen's University International Centre for Community Based Rehabilitation, the International Red Cross and programs which develop prosthetics.

The Canadian response to disability in the context of landmines suggests a return to primarily a medical model response to disability – one that focuses on the individual and his/her impairment and how to prevent or fix it or rehabilitate the person to adapt to it. This is in stark contrast with the human rights understanding of disability which is based on a social model of disability. The social model looks at the societal context within which a person with disability lives, and seeks to make it more hospitable to all its citizens. Thus people with disabilities are treating first and foremost as citizens, those with rights. The state's responsibility, and that of other countries, is to ensure those rights can be achieved by removing the necessary barriers.

With the heavy emphasis on individual impairment and rehabilitation, Canadian foreign policy in the area of landmines illustrates that the human rights understanding of disability has not filtered into areas outside of those areas of foreign policy related to human rights. Human security policy as evident in the approach to landmines fails to address disability within its broader human rights framework. Until the human rights approach becomes more widely spread within all parts of DFAIT, it is unlikely that we will see appropriate attention to disability.

## Immigration policy and disability

Canadian foreign policy suffers not only because it draws upon individualistic and medicalized understandings of disability that are in conflict with the human rights perspective, but also because it practices foreign policy which is exclusive. The internationalist perspective that many Canadians highly prize is one which emphasizes building global communities to deal with problems. Yet we see a tension between domestic and foreign policies which leads to an immigration policy which specifically excludes many people with disabilities (often as a result of

stereotypical assumptions about disability) and de facto lack of application of Canadian human rights standards to those who wish to immigrate to Canada.

Immigration policy is one of those fuzzy areas of government action where it is more often seen as an internal or domestic policy than as a foreign policy. The argument is that Canada can regulate, as an internal policy, who and how many people are admitted as immigrants to Canada by criteria it chooses. Yet there is an overlap with our foreign policies. The Human Rights, Humanitarian Affairs and International Women's Equality Division of the Department of Foreign Affairs and International Trade has as one of its areas of responsibility to provide input from a foreign policy and trade perspective on Canada's review of immigration policy. As well it is to coordinate policy issues with the department of Citizenship and Immigration. Immigration policy is one of those areas where we see whether the face that Canada shows to the world is the same face it shows to those who come from other countries and want to be part of Canada.

The sections of Canadian immigration law that specifically address people with disabilities have changed very little over the past century and a half. People with disabilities have been consistently prevented from coming to Canada as immigrants, except in cases where they challenge a decision and receive a special Minister's permit (Goundry 1992 and see Table 1). Three persistent ideas about people with disabilities have shaped their exclusion. First, people with disabilities are seen as different from people without disabilities. Their difference stems from stereotyped assumptions based on an individualistic, medical model of disability. Second, "immigration policy has been especially negative toward people with labels of mental disability. Thirdly, legislation consistently anticipates that people with disabilities will be a financial burden on Canada" (Mosoff, 155).

The current provisions of section 19(1) of the Immigration Act outline the some of the bases on which people are deemed ineligible to immigrate to Canada.

a) persons who are suffering from any disease, disorder, disability or other health impairment as a rule of the nature, severity or probably duration of which, in the opinion of a medical officer concurred in by at least one other medical officer,

i)they are or are likely to be a danger to public health or to public safety, or;

ii)their admission would cause or might reasonably be expected to cause excessive demand on health or social services;

b) persons where there are reasonable grounds to believe are or will be unable or unwilling to support themselves and those persons dependent on them for care and support, except persons who have satisfied an immigration officer that adequate arrangements, other than those that involve social assistance, have been made for their care and support.

Several changes have been proposed to these sections of the Act, but have not yet been made. In 1992, amendments were made to section 19 (1) which were never proclaimed and therefore did not become law. The changes delete the descriptions of which persons can be excluded to read:

a) persons who in the opinion of a medical officer concurred in by at least one other medical officer, are persons

i)who, for medical reasons, are likely or are likely to be a danger to public health or to public safety, or

ii)whose admission would cause or might reasonably be expected to cause excessive demands, within the meaning assigned to that expression by the regulations, on health or prescribed social service.

Excessive demand was also detailed as exceeding five times the average annual per capita costs in Canada of health and social services in the five years following their medical examination.

These sections of the Act, even with the unproclaimed revisions, create a system of insiders and outsiders, based in part on the understanding of their disability by a medical officer, or the perceived burden they might place on the Canadian health care or social services. The Immigration Act controls who gets to be an insider and who has to remain outside the benefits of what Canada has to offer.

More recent changes have addressed the exclusion of family members with disabilities. The 1997 framework for immigration, *Not Just Numbers*, recommended that spouses and dependent children be excluded from the excessive costs component of the medical admission restrictions. In 1999, the Minister of Citizenship and Immigration announced a major review of the immigration policy based on the White Paper *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy*. From this review, Bill C-31 was introduced in 2000, although the bill was abandoned with the 2000 federal election. In 2001, Bill C-11 introducing a new Immigration and Refugee Protection Act was under debate.

These two bills make one significant change to section 19(1). The most recent version exempts spouses (common-law and married) and children of immigrants and refugees who may have disabilities from rejection on the basis that they would create an excessive demand on the

medical system, addressing a number of the concerns raised by the disability community. The proposed wording on medical inadmissability as of summer 2001 is found in section 38:

38. (1) A foreign national is inadmissible on health grounds if their health condition

(a) is likely to be a danger to public health;

(b) is likely to be a danger to public safety; or

(c) might reasonably be expected to cause excessive demand on health or social services.

(2) Paragraph (1)(c) does not apply in the case of a foreign national who

(a) has been determined to be a member of the family class and to be the spouse, common-law partner or child of a sponsor within the meaning of the regulations;

(b) has applied for a permanent resident visa as a Convention refugee or a person in similar circumstances;

(c) is a protected person; or

(d) is, where prescribed by the regulations, the spouse, common-law partner, child or other family member of a foreign national referred to in any of paragraphs (a) to (c).

While there has been some recent recognition of changes required to the exclusion of family members with disabilities in the Act, in September 2000 Health Canada advised the Minister of Citizenship and Immigration to undertake mandatory testing for HIV of all prospective immigrants. The Minister of Citizenship and Immigration is considering this proposal as well as a proposal to exclude all those who have tested positive from immigrating to

Canada on the grounds of excessive costs and threat to public health (Canadian HIV/AIDS Legal Network 2001). If this proposal is adopted, a new category of people with disabilities may be excluded – those who are HIV positive, even if they themselves are not aware of their positive status. This would be a step backwards on the inclusion of people with disabilities in immigration policies and could, as Klein (2001, 61) notes, lead to an increasing amount of testing of potential immigrants, including genetic testing.

The approach taken by Canada's immigration policy is one which excludes on the basis of medical judgements about the experience or existence of disability as well as the perceived costs associated with these disabilities. A human rights approach to immigration policy would recognize the commitments Canada has made to various international conventions on human rights as well as its own Charter of Rights and Freedoms. Indeed Sections 3 (d) and (f) guarantee that the proposed Act would be applied in light of these human rights frameworks.

> (d) ensures that decisions taken under this Act are consistent with the Canadian Charter of Rights and Freedoms, including its principles of equality and freedom from discrimination ...
>
> (f) complies with international human rights instruments to which Canada is signatory.

Yet the experience of discrimination or exclusion by people with disabilities and the more recent discussions of possible exclusion on the basis of HIV status, illustrate that the application of our immigration policy does not necessarily treat potential immigrants as equal using the human rights framework relevant within Canada (Klein 2001, Mosoff 1999).

## Conclusion

Canadian foreign policy has been built on ideas of good international citizenship and creating global communities. Its treatment of disability issues, within a limited framework, has been from a human rights perspective. But that human rights approach has failed to transcend direct attention on disability. It fails to inform Canadian action towards landmines survivors, many of whom experience disability as a result of their encounters with landmines. Human rights also fails to inform Canadian policies towards immigrants. Canada continues to use medical evidence and judgement about the experience of disability to assess whether or not someone is eligible to enter Canada. Proposals being considered around HIV testing could increase this exclusion. As a result, those with disabilities who are outside Canada can be expected to be treated as less than equal.

The disability community has recognized the importance of highlighting Canada's long-standing commitment to adopting and upholding international human rights treaties, and of including disability as one aspect of human rights. Canada has led the way internationally in making information about countries' record in implementing their human rights commitments through initiatives like Human Rights Internet[2]. Canada' own reports are also publicly available, although they often paint a rosy picture of the Canadian implementation, without acknowledging the failures or limited applications.

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[2]Human Rights Internet maintains an annual report called For the Record on countries records in implementing international human rights treaties. For the 2001 version see: http://www.hri.ca/fortherecord2001/index.htm

This chapter has illustrated two areas of foreign policy where there has been less successful implementation of Canada's commitment to including disability as an area of human rights. The disability community may want to consider some of the successful actions taken by women's groups and poor people in the past years to raise the international profile of their issues when Canada's reports on implementing human rights treaties are considered at the United Nations. Two parallel strategies have been used with significant success in getting greater attention to their human rights concerns.

Several women's groups have written parallel, non-governmental reports to the official government report on implementation of a specific human rights treaty, documenting what they perceive to be the more complete story of implementation. For example, in 1990 the National Action Committee on the Status of Women submitted to the Committee on the Elimination of All Forms of Discrimination Against Women, a report which document key areas in which the federal government had not lived up to its obligations under the Women's Convention. A Shadow Report was submitted in 1997 by a coalition of women's groups, also outlining weaknesses in implementation[3]. Most recently, the Canadian Feminist Alliance for International Action (FAFIA) drafted an alternative report on Canada's implementation of the Beijing Platform for Action on Women called *Toward Women's Equality: Canada's Failed Committment* (see Stienstra forthcoming for a more complete discussion of these actions). In addition, they prepared *The Other Side of the Story* which analyzed the answers the government had given to the United Nations, highlighting where mountains have been made out of molehills.

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[3]These and other initiatives by women's groups are documented in Waldorf and Bazilli 2000.

form was given without substance, and where outright misinformation was presented. These were widely shared within Canada, with other national and international non-governmental organizations, and with the United Nations. They were able to challenge the common perception held internationally that Canada was a leader on women's rights.

A second strategy built on the first. Once alternative or shadow reports had been written, some of the groups presented their findings to the expert bodies reviewing Canada's reports. For example, Josephine Grey and the group Low Income Families Together (LIFT), presented their report and views on the violations of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1998 and 1999. The Committees which reviewed these reports chastised the governments of Canada publicly for failing to use its wealth to benefit all of its citizens. They called on Canada to address the critical gaps suggested in the alternative reports.

These strategies have been a successful way to raise the profile of the experiences of those in Canada who are often marginalized or excluded in government policies. They have required the active support of like-minded lawyers and human rights experts, and considerable time and energy with little or no pay. Yet they may provide one alternative way to address the gap in Canadian foreign policy around disability, and the less than equal status of people with disabilities in Canada.

**Table 1 Minister's Permits Issued to admit those initially refused under Sections 19(1)a and 19(1)b**

(From Annual Reports to Parliament on Minister's Permits, Citizenship and Immigration, 1997 - 2001)

| Year | Section 19(1)a | Section 19(1)b |
|---|---|---|
| 2000 | 158 | 3 |
| 1999 | 195 | 7 |
| 1998 | 142 | 6 |
| 1997 | 256 | 8 |
| 1996 | 293 | 27 |

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